

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GRIZZLY AUTO TRANSPORT; CAUDILL & SON  
TRUCKING; JOHN CECCARELLI; JEFF'S 3  
CARGO, INC.; PATRICK DAVIS; RONALD  
DAVIS; JAMES HOLLAND; DIZS, INC.; RUSSELL  
HOY; MARK MARTINOVICH; TIM  
JAGODZINSKI; VALKYRIE EXPRESS, INC.;  
DENNIS LEVENE; LIGHTNING  
TRANSPORTATION; M&J TRUCKING; MARK  
OLSWAY; JOE PALETTA; 4 CHAINS  
TRANSPORT I, INC.; TIMOTHY SMITH; and  
DAVID WILLIAMSON, CHRIS PETERSON,

Case No. 2:08-cv-11832-SFC-MJH  
Hon. Sean F. Cox

Plaintiffs,

vs.

TRAN TECH, INC.,

Defendant.

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**PLAINTIFFS' MOTION FOR LEAVE TO FILE**

**COUNTER-STATEMENT OF DISPUTED FACTS**

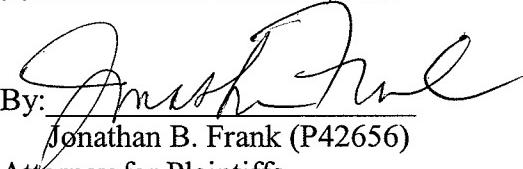
**IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

Although Plaintiffs are not sure that such a request is mandated, Plaintiffs seek leave to file the attached Counter-Statement of Material Facts. Exhibit A. By agreement of the parties and stipulated order, Plaintiffs' briefs in opposition to Defendant's three motions for summary judgment and dismissal were due on July 29, 2009 to accommodate the fact that Plaintiffs' counsel was on vacation in late July. Plaintiffs filed the briefs on time along with supporting documents. However, due to difficulties in communicating with and exchanging declarations with Plaintiffs, who are all drivers working away from home or an office, Plaintiffs were not able to file this Counter-Statement or the attached declarations until now.

There is no prejudice to Defendant or the Court. The hearing is not until October 1, 2009. Plaintiffs do not object if Defendant wishes to file supplemental briefs responding to the Counter-Statement of Material Facts.

Respectfully submitted,

JONATHAN B. FRANK, P.C.

By:   
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Dated: August 24, 2009

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was served upon the attorneys of record of all parties in the above cause electronically, in accordance with Fed.R.Civ.P. 5(d) on the 24<sup>th</sup> day of August, 2009.

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/s/  
Amy Zielinski

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